

DAILY KENTUCKY YEOMAN.

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TUESDAY, DECEMBER 19, 1865.

CLERK OF COURT OF APPEALS.

In our special notice column we announce
this morning the talented and popular Repre-
sentative of Hancock, Mr. BUSH, as a candi-
date for the office of Clerk of the Court of Ap-
peals, the race for which comes off next Au-
gust.

We have already announced Mr. J. P. Bar-
nour, at present Clerk of the Washington
Circuit Court, a gentleman well qualified for
the same position.

The present incumbent, Gen. LESLIE
COMBS, who was elected in 1860 by such an
overwhelming majority, is also a candidate.

In addition to these our fellow-townsmen,
Col. R. R. BOLLENG, well known as the capable
and attentive deputy now in the office, and
our friend Col. D. HOWARD SMITH,
formerly State Senator from Scott and Fayette,
and very popular in this section of coun-
try, are mentioned, with several others, for
the same position.

We believe all of these gentlemen are
staunch members of the Conservative Demo-
cratic party, and it is therefore evident that
there exists the greatest necessity for a State
Convention to decide upon their respective
claims and merits. The Democratic State
Convention of February, 1863, appointed a
Central Committee at Frankfort, the members
of which we are pleased to state have all re-
mained faithful to the cause; but they re-
present only a portion of the great conservative
party. The other wing of the party have no
recognized head or organization. We would
suggest under the circumstances that the
Conservative caucus of the Legislature, for
the purpose of a thorough organization of the
party, at their first meeting take upon them-
selves the selection and nomination of a new
Central Committee at the seat of Government,
with powers to call a general State conven-
tion at such time and place as may be deemed
most advisable.

In the same connection it would be proper
to suggest that the committee be so constitu-
ed as to allow a fair representation to both
the old political parties of the State. To
accomplish its great mission, the Conservative
party must be thoroughly organized. Its
giant strength must not be frittered away in
pigny squabbles and jealousies or in contests
for offices among its adherents. Let all subor-
dinate their desires for the honor or profit of
office to the public good. Kentucky must be
saved from negro suffrage and negro equality.
The Conservative party must if possible save
her from becoming the satrap governed de-
pendency of a centralized despotism. And
these high aims can only be attained by a
self-sacrificing, disinterested, and fervent loy-
alty to the integrity of the Conservative party.

MARRIAGE.
The debate which occurred in the House
of Representatives upon the proposition to repeal
an act heretofore passed requiring ministers of
the gospel and others to take a certain oath
before they shall be permitted to solemnize
the rites of matrimony, was spirited, and
consumed much of the time of the House
during its session on last Saturday. It was
contended by the parties who participated in
the debate, and who were in favor of requiring
an oath of all ministers and priests as necessary
to their authority to solemnize the rites of
matrimony, that the contract of marriage was
a civil contract, and that the ministers who
solemnized the rites of matrimony in so doing
performed an act in the nature of an official
act, and, therefore, they fall within the provision
of article 8, section 1, of the Constitution of this
State, requiring all officers, before entering
upon the execution of the duties of their re-
spective offices, to take a certain oath. Now,
while we admit that the contract of marriage
is regarded by the law as purely a civil con-
tract, we cannot assent to the further propo-
sition that none but officers, in the meaning of
the Constitution, have authority to officiate in
the ceremony by which the contract is made
efficient.

The truth is, the contract of marriage does
not derive its validity from the ceremonial
employed in its celebration, but, just as all
other civil contracts, it rests upon the agree-
ment of the parties, and each has a right of
action against the other for a failure to comply.
But in a contract so important, it has been
deemed necessary, in view of public policy,
that certain forms and proceedings should be
observed in its solemnization. The object of
the statute of this State, or at least its chief
object, is to preserve the evidence of so impor-
tant a transaction, not to give validity to the
contract itself, and hence it was deemed neces-
sary that a license should be first procured by
the parties proposing to marry from the Clerk
of the County Court, and it is made the duty
of the minister, or priest, to return the li-
cense with his certificate thereon, which the
Clerk is directed to file in his office after hav-
ing made a register thereof. And it was also
deemed necessary, that only such persons as
are specified in the statute, should have authori-
ty to solemnize marriage. They are, first,
ministers of the Gospel, or priests of any de-
nomination in regular communion with any

such justices of the peace as the County Court
may authorize.

Third, or when either party belongs to a
religious society, having no officiating priest
or minister, whose usage is to solemnize mar-
riage at the usual place of worship, and by
consent given in presence of the society, it may
be so solemnized.

Ministers and priests, before they can law-
fully solemnize matrimony, are required to
procure a license from the County Court, and
enter into a covenant, with good security, not
to violate the laws of this State concerning
marriage.

We do not perceive in the laws of this
State upon the subject of marriage, or in the
nature of the duties to be performed, any rea-
son for coming to the conclusion that a min-
ister of the Gospel, or a priest, becomes a civil
officer by complying with the provisions of
the statute so as to authorize him to solemnize
the rites of matrimony. There cannot be an
officer without an office. What office does
the statute referred to create? The authority
to solemnize marriage is conferred upon min-
isters and priests, not as civil officers, but as
persons connected with churches, or religious
societies, who, from the character of their pro-
fession, make them fit persons, in the opinion
of mankind, to unite those in marriage, who
have themselves previously entered into the
contract of marriage. The second class of per-
sons upon whom the statute confers the au-
thority to solemnize matrimony, are officers,
judicial officers, and the authority is given to
them as officers.

In case a justice of the peace is authorized
by the County Court to solemnize marriage,
no additional oath is required of him.

We do not perceive anything in the duties
of a minister or priest officiating at a mar-
riage, which would make it necessary or prop-
er to take an oath of allegiance. They are
but witnesses to a contract which, for the
sake of form, or religious duty, is solemnized
according to the rites of the church to which
the minister or priest belongs. There would
be just as much propriety in making the sub-
scribing witnesses to a will take the oath of
allegiance. The solemnization of the rites of
matrimony are not more solemn, nor more im-
portant than attesting the last will of a dying
man. The validity of a marriage is not af-
fected by reason of the failure of the minister
or priest to comply with the provisions of the
statute, provided the parties marrying are not
aware of his delinquency in this respect. We
are aware that, with one church at least, mar-
riage is regarded as a sacrament, and with all
as a most solemn and important transac-
tion upon which the blessing of God is in-
voked, and for that reason a priest of His
church is usually selected to perform the im-
portant ceremonial. It is in this view that,
before a county court can license a minister or
priest, it is required to be shown that he is a
man of good moral character and in regular
communion with the religious society to which
he belongs.

It is evident that the Legislature that adopt-
ed the statute above referred to, did not re-
gard the solemnization of marriage an official
act, or the minister or priest an officer, inas-
much as provision was expressly made that,
in case where either party proposing to mar-
ry belongs to a religious society having no of-
ficiating priest or minister, whose usage is to
solemnize marriage at the usual place of wor-
ship, and by consent given in presence of the
society, it may be so solemnized. No one
will contend, we suppose, that a marriage so-
lemnized in the manner above suggested, con-
stituted all the members of the society before
whom it took place officers, or that the act
was an official one. Yet such would be the
necessary conclusion, provided we concede
that the act of a priest or minister, in solemn-
izing marriage, is an official act.

CHAPTER III.

An Act to supply the lost or burnt records in
the Court of Appeals.

Be it enacted by the General Assembly of the
Commonwealth of Kentucky: Sec. 1. That
where any record from an inferior court has
heretofore become, or shall hereafter be, de-
stroyed by fire, or by any other means lost from
the files in the Clerk's office of the Court of Appeals,
it shall be lawful for either party to file another
certified copy of such record from the inferior
court, and the Court being satisfied that the
second copy so filed is the same case and between
the same parties as in the lost or destroyed re-
cord, the second copy shall be substituted for the
first, and the case tried thereupon.

Sec. 2. Where copies have been duly made of
records filed in the Clerk's office of that Court,
and the originals have been lost or destroyed,
the Court of Appeals shall receive such copies
and hear the cause thereon.

Sec. 3. Where original papers brought from
the inferior courts have been or shall be lost,
proven or certified copies thereof shall be taken
and used in place of the original, and when no
copies are to be had, the proof of their contents
may be made in such form as the Court of Ap-
peals may prescribe.

Sec. 4. Copies of opinions and mandates of
the Court of Appeals, where the originals have
been or shall hereafter be destroyed, that had
been made by the Clerk of the Court of Appeals
and filed in the inferior courts, may be copied
and certified by the clerks of the courts where
they are filed, and such copy or copies may be
used in evidence.

Sec. 5. This act shall be in force from its
passage.

Speaker House of Representatives,
RICHARD T. JACOB,
Speaker of the Senate.

THOS. E. BRAMLETTE,
Governor of Kentucky.

COOKED-UP BUTLER.—A few days before the
appearance of Grant's report and the resignation
of General Butler which followed its appearance,
the latter's friends gave out that he was soon to
have an important command—that now held by
General Terry in Virginia. The Legislature of
Virginia being in session, appropriate action was
moved in the House by Mr. Hurst of Norfolk, as
follows:

"WHEREAS, It is currently reported and gen-
erally believed that the celebrated Hudibrastic
General B. F. Butler is about to take charge of
this military department with powers extraordi-
nary; therefore,

Resolved, That whatever money may remain
in the State Treasury be immediately divided
among the widows and orphans of deceased sol-
diers, and corners be dispatched to the various
counties requesting the people to secrete or bury
their plate.

The Virginians no doubt breathe freer and

ANNUAL MEETING OF THE KENTUCKY STATE AGRICULTURAL SOCIETY.

In accordance with the published call of the
President, the Kentucky State Agricultural So-
ciety met in the Senate chamber, in the city of
Frankfort, at 2 1/2 o'clock, on the 13th of Decem-
ber, 1865.

The meeting was called to order by the Presi-
dent, Col. L. J. Bradford.

The proceedings of the last annual meeting
were read by the Secretary and approved.

The President, in a brief address, congratulated
the Society on the return of peace, and on the
prospects of a greater influence being exerted by
the Society in the future on the great industrial
interests of the State, and also suggested many
subjects which should claim its attention at the
present meeting; especially the eminent propriety
of holding a national fair during the autumn of
1866, and also suggesting that from the central
position of Kentucky, and the high character of
her people for hospitality, and their varied and
extensive interests in agriculture, said fair should
be held in Kentucky.

On motion of the Hon. J. F. Bell, of Boyle,
the following resolutions were unanimously adopt-
ed:

Resolved, That in the opinion of the Kentucky
State Agricultural Society, in convention assembled,
the industrial interests of the country de-
mand that a national fair shall be held in the fall
of 1866, in which event the central position of
Kentucky, and the high character of her people
for hospitality, coupled with their extensive in-
terest in every branch of agriculture, render it
very desirable and important that the said fair
shall be held in this State; the place for holding
the fair to be designated by the Board of Direc-
tors.

Resolved, That the Kentucky State Agricul-
tural Society, in convention assembled, do earnestly
and cordially invite the Agricultural Societies
of all the States and Territories of the Union
to co-operate with this great and patriotic
movement, so vital to the industrial interests of
the nation.

On motion of Mr. Priest, of Henderson, the
following resolution was adopted:

Resolved, That the following preamble and
resolutions, adopted by the Tobacco Convention
assembled in Louisville on the 13th of September
last, are approved and recommended by the State
Agricultural Society of Kentucky:

WHEREAS, The heavy tax on tobacco, and the
growing apprehension of a tax on leaf tobacco,
have greatly lessened the consumption and pre-
vented producers from planting to the extent they
did before the commodity was taxed; and

WHEREAS, In view of this, the monthly report
of the Agricultural Department for August pre-
sents the opinion that the crop is but barely
adequate to sustain itself, and questions the policy of
future taxation, as having the effect of checking
the production of the article, and finally depriving
the Government of the tax; therefore,

Resolved, That for the reasons set forth, this con-
vention believing heavy taxation will amount to
prohibition, but as loyal citizens willing to sup-
port the Government, recommend an end to the
tax on manufactured tobacco as the best meth-
od to secure the present and permanent interests
of the Government and tobacco producers in
every portion of the country.

On motion of Dr. Young, of Hardin county, the
following resolution was adopted:

Resolved, That the financial condition of this
Society is such as to require at once a date be
set for the next annual meeting, and the President of the Society
is hereby authorized to appoint a committee to pre-
sent this subject to the two Houses of the present
General Assembly.

On motion of J. P. Fisher, of Boyle, the fol-
lowing resolution was adopted:

Resolved, That this Society acknowledge, with
unfeigned pleasure and gratitude, the great ser-
vice rendered by the press of the State to the
cause of agriculture in Kentucky.

On motion of R. W. Scott, Esq., of Franklin,
the following resolutions were adopted:

Resolved, That this Society recommend to the
Agricultural Societies in the respective counties
of the State the propriety of, and the importance
of making a full report by the proper officers of
such societies to the Agricultural Society, which
report shall embrace a statement of the existing
condition of agriculture, and such improvements
as may be pertinent to the subject.

Resolved, That this Society earnestly urge the
speedy organization of Agricultural Societies in
every county in which such a society does not
at present exist, and also the importance of estab-
lishing Farmers' and Mechanics' Clubs for the
consideration of industrial interests.

On motion of Col. A. G. Hedges, the Society
proceeded to the election of officers and directors
for the coming year, which resulted as follows:

For President—Colonel L. J. Bradford, of
Augusta.

For Vice President, 1st District—P. Swigert,
of Franklin county.

For Vice President, 2d District—J. F. Bell, of
Boyle county.

For Vice President, 3d District—John P. Camp-
bell, of Christian county.

DIRECTORS FOR FIRST DISTRICT.

Hon. Harrison Taylor, of Mason county.

Wm. Warfield, of Fayette county.

J. Hawthorne, of Campbell county.

R. W. Scott, of Franklin county.

James N. Hall, of Barren county.

DIRECTORS FOR SECOND DISTRICT.

J. B. O'Bannon, of Jefferson county.

Bryan R. Young, of Hardin county.

S. T. Drane, of Henry county.

L. Young, of Jefferson county.

Alfred Allen, of Breckinridge county.

J. P. Fisher, of Boyle county.

DIRECTORS FOR THIRD DISTRICT.

David King, of Logan county.

Col. W. P. Price, of Henderson county.

Robert A. Sandling, of Union county.

Willis R. Hootell, of Hickman county.

Mr. R. W. Scott, of Franklin county, addressed
the Society on the subject of the radical change
which was about to take place in the labor of the
State, stating that it was a subject which may
interest every class of our citizens, and should
claim the attention of the Society, hoping that the
meeting would not adjourn without taking such
action as would, at least, call the attention of
the present Legislature to the subject; whereupon
it was

Resolved, That a committee, consisting of L. J.
Bradford, Harrison Taylor, R. W. Scott, and A.
G. Hedges, be appointed to take the matter into
consideration, and prepare a memorial on the sub-
ject, to be by them presented to the Legislature
on behalf of the Society.

On motion, it was resolved that the newspaper
of this State be respectfully requested to publish
the proceedings of this meeting.

There being no further business before the
Society, it adjourned to meet on the second Wed-
nesday in December, 1866.

L. J. BRADFORD, Pres't.

Jas. J. Miller, Sec'y.

Judge Ballard, of the United States District
Court for Kentucky, delivered an important de-
cision at Covington, in the case of members of
the family of a colored soldier, who are entitled to
their freedom under the laws of Congress, but
who are held in slavery by their former owners.

The man sought to secure the release of the per-
sons held in slavery, but failed owing, as the
Judge points out, to a defect in the law regulating
the jurisdiction of the United States Courts.—
Courier.

NASHVILLE, Dec. 16. The
Legislature of Tennessee having refused
to allow negro testimony to be taken in the courts
of this State, General Fisk, Superintendent of the
Freedom's Bureau of this district, under special
order from the War Department, has issued an
order which demands that all cases in which ne-
gro testimony is involved, and which have been
before disposed of by municipal authority, shall
be brought before his court for adjudication.

By laying a piece of charcoal upon a burn-
ing pain subsides immediately. By laying the
charcoal on one hour the wound is healed, as has
been demonstrated on several occasions. The
remedy is cheap and simple, and certainly de-
serves a trial.—Democrat.

David S. Walker, the new Governor of

Important Decision by Judge Ballard.

Judge Ballard, during the session of the
United States Circuit Court for the District of
Kentucky, in Covington, on Friday, delivered
the following important decision upon the applica-
tion of Henry Bishop for a writ of *habeas corpus*.

The grounds stated in the petition are sufficient
ly set out in the judgment of the Court.

The subject demands the immediate attention
of Congress. If the jurisdiction of the United
States Courts are not extended so as to cover this
class of cases, the joint resolution of Congress
confering freedom upon colored soldiers—their
wives and children—will be a nullity, and the
constitutional amendment but little better.

Captain Charles P. Oyster, as a friend of the
freedmen and their families, is looking after this
subject in Kentucky, and will see that this subject
is laid before Congress at once.

The following is the judgment of Judge Ballard.

Ex parte. Bishop on petition.

The petitioner, Henry Bishop, states that he
is a free man of color; that he entered the volun-
teer service of the United States in the One
Hundred and Fourteenth Regiment of the United
States Colored Infantry, that, after serving faithfully,
he was honorably discharged; that, while he
was in said service, he was, and is still the
husband of Rachel Bishop and the father of Geo.
Bishop, William A. Bishop, and John Bis-
hop, who are also children of said Rachel, and
that the said wife and children are illegally re-
strained of their liberty, and forcibly held as
slaves by Aaron Yager.

The petition, after setting forth that others of
his children by the same wife are detained by oth-
er parties, prays that a writ of *habeas corpus* be
granted to him, commanding, &c.

The case presented by the petition is one which
strongly addresses itself to the sympathies of the
Court. The petitioner himself, on account of the
faithful service which he has rendered to the
country, is entitled to the strongest sympathy, and
Courts are always inclined to resolve doubts in
favor of freedom. But I cannot allow my sym-
pathies for the prisoner to control my judgment
of the law. And, with every disposition to grant,
if possible, the relief asked, I cannot bring myself
to do so until I have no jurisdiction to award a
writ of *habeas corpus* upon the facts presented.

Assuming that the wife and children of the
petitioner are free by virtue of the act mentioned
in the petition, in 1863, that they are illegally de-
tained, and that the plaintiff is entitled to the relief
desired, it does not follow that I have any juris-
diction to relieve them from their restraint. The
petitioner may have a clear right, and his right
may be founded on a law of the United States,
but the Federal Courts have no jurisdiction to
enforce it unless the jurisdiction has been spec-
ially conferred by Congress upon the Court. This
was, long ago, decided by the Supreme Court,
and is the settled law of the land. Undoubtedly,
the jurisdiction of the Federal Courts may be
made co-extensive with the laws of the United
States; if Congress choose so to extend it; but
until it is so extended no Federal Court can ex-
ercise any jurisdiction which is not conferred on it
by some law of the United States. (*Ex parte*
Baltun, and *Ex parte* Swartwout, 4th Cranch 73,
and other cases.)

There are but three acts of Congress which
confer authority on the Federal Courts and Judges
to issue writs of *habeas corpus*. The first is the
act of 21st September, 1789, which after granting
the authority in general terms, limits it by pro-
viding that writs of *habeas corpus* shall in no case
extend to prisoners in jail, unless they are in cus-
tody under or by color of authority of the State of
Kentucky. So far from being held under the au-
thority of the United States, they are, if the
joint resolution of Congress be constitutional, held
in defiance of it. It is clear that the peti-
tioner cannot invoke this statute in his aid.

The second act, that of March 2, 1833, pro-
vides that "either of the Justices of the Supreme
Court, or Judges of any District Court of the
United States, in addition to the authority al-
ready conferred by law, shall have power to grant
writs of *habeas corpus* in all cases of a prisoner or
prisoners in jail or confinement, where he or they
shall be committed or confined, or by authority
of law, for any act done or omitted to be done,
in pursuance of a law of the United States, or any
order, process, or decree of any Judge or Court
thereof." The prisoners are not confined
under any law, or omitted to be done, in pur-
suance of a law of the United States, or any or-
der, process, &c. They are claimed and held
under the laws of Kentucky or by arbitrary force
if there be no laws which authorize them to be
held. I say if there be no State laws which au-
thorize them to be held, for the joint resolution
above mentioned is unconstitutional, or if the
Constitution be amended abolishing slavery, has
been ratified, as a State Judge has recently
decided, there are no laws in this State which
authorize the holding of slaves. Still, the rem-
edy of the petitioner, in this state of case, is not
this Court, but in the Courts of the State; and if
relief is there denied him by a final decision in
the highest Court of the State, he may have a
writ of error to the Supreme Court of the United
States.

The third act was passed August 29, 1842. It
is unnecessary to recite its provisions in full.
Suffice it to say that they authorize the writ to be
issued only on behalf of "subjects and citizens of
a foreign State, and domiciled therein," and that
consequently they furnish no warrant for the
issue of the writ in this case. I have, there-
fore, no jurisdiction in issuing the writ of *habeas corpus*,
and setting forth their provisions which confer
authority on the Courts and Judges of the United
States jurisdiction to issue writs of *habeas corpus*,
because I find there are no laws about which
there is a more general misconception, and be-
cause I would, in this way, best direct the atten-
tion of Congress to the subject, so that they may,
especially when the ratification of the amendment
to the Constitution shall be promulgated, so
extend the jurisdiction of the Federal judiciary
that relief may be directly and promptly given
in a class of cases in which, if such jurisdiction
be not given, all relief will be tedious and uncer-
tain, if not wholly denied. The writ must be
renewed.

JOHN F. FISK,
Counsel for petitioner.

CHRISTMAS PRESENTS!

GO TO MAJOR'S STORE, MAIN STREET.

And you will find a full assortment.

Who is Your Hatter?

MAJOR HAS JUST RECEIVED A LARGE

supply of latest style Hats at his store, Main

street.

Photographic Albums!

AT MAJOR'S STORE, MAIN STREET—HARD-

some lot, very cheap.

SOMETHING NEW!

MAJOR HAS A FEW HANDSOME PHOTO-

graphic Albums, elegantly got up.

DO YOU WANT A GOOD KNIFE?

GO TO MAJOR'S STORE, MAIN STREET.

Something Sensible!

FOR SKATING CAPS AND HOODS FOR LA-

dies and Misses, at MAJOR'S Hat Store, Main

street. Go and look at them.

L. HORD,

Attorney and Counselor at Law,

Frankfort, Ky.

THOS. N. LINDSEY,

ATTORNEY, FRANKFORT.

PRACTICES IN THE COURT OF APPEALS

in Circuit and District Courts of the United

States. For the State of Kentucky, in the Circuit

Courts of Anderson, Shelby, Henry, Franklin,

Woodford, Owen, Scott, and Grant, and takes col-

lections for any part of Kentucky.

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GRAHAM & GRAHAM,

St. Clair St., Frankfort, Ky.

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(Successors to JOHN R. GRAHAM),

ANNOUNCE THAT THEY HAVE A FULL

supply of

Family Groceries, Cured Fruits, &c.

THEY ARE AGENTS FOR THE SALE OF N.

Arrival and Departure of Trains.

FRANKFORT AND LOUISVILLE.		
LEAVES.	ARRIVES.	
Morning Express.....	7:45 A. M.	9:15 A. M.
Evening Express.....	3:30 P. M.	5:45 P. M.
FRANKFORT AND LEXINGTON.		
Morning Express.....	6:30 A. M.	7:45 P. M.
Evening Express.....	5:30 P. M.	3:30 P. M.

Stage Departures.

LEAVES.	ARRIVES.
Harrodsburg and Danville, (Daily).....	9:00 A. M.
Shelbyville, (Daily).....	9:30 A. M.
Georgetown and Paris, (Tri-Weekly).....	10:00 A. M.

Office at Capital Hotel.

The Hon.—There will be one of those delightful hops, which gave such universal satisfaction some months ago, at the Capital Hotel this evening. The same gentlemen who acted as managers of the recent Ball will have charge this evening, and matters will be conducted in all respects in a similar manner.

It will be noticed that a change has been made in the time of holding the convention of fishermen, from the 8th to the 22d of January. This was rendered necessary, owing to the legislature adjourning over until the 10th, as many who desire to be present will not have returned from their homes by the 8th.

The Mormons have just received a batch of recruits from Denmark. A Salt Lake paper says: There isn't one of them apparently, who might not as easily have been persuaded to emigrate to heathen lands where heathenism prevails, as to this Mormon heritage, provided the same misrepresentations have been made them by their proselyters. The arrival of these fair-haired girls from Faderland created considerable commotion among the faithful. A lot of old fogies, who had already six or seven forlorn wives, were seen examining the new-comers, most likely with the object of selecting one in order to save her soul.

Gen. Grant according to the Washington correspondent of the New York Herald, has reported, as the result of his observations in the South, that the majority of the negroes are in comparative idleness and will not work, believing that about Christmas there will be a division of the property among them. He says the whites are anxious to resume their old relations to the Union.

Mrs. R. E. Lee has sold her farm near Warrenton to Dr. Drewery of Richmond for \$40 per acre. It contains about 800 acres, and we understand the price paid for it was \$40 per acre or \$32,000 for the entire tract. The Federal troops during the war destroyed all the fencing and out-buildings on the place and nearly all the timber.

Great complaints are being made in Northeast Texas and Western Louisiana of the conduct of Mr. O. H. Burbridge, who is special agent of the Treasury Department. Mr. B. is from Bourbon county in this State.

An exchange says Christians put sawdust or a hus on their slippery pavements; heathens don't.

How Mr. Davis is Treated.—The Fort Monroe correspondent of the New York Herald says:

"I started only to write the fact that Jeff. Davis is a prisoner here, and that the fact was not wholly forgotten by the public. He is still in Carroll Hall, still in a large but well and plainly furnished room; still in the enjoyment of a good fire and good attendance; still allowed abundant reading matter; still permitted his daily walks on the parapet; and last but not least, still granted, as regards eating, as say the hotel bills, the best the market affords. Except occasional bad nights, which trouble him with Job-like persistence, though happily, not quite so plentifully, his health continues good. The methodical precision of one habituated to business is evident in his arrangement of his papers and books, and the same fastidiousness in the subject of dress and clean linen is still a prominent characteristic. When he walks out he is always neatly groomed, and his family cane bears him unfailing company. His strength of will is remarkable. It has sustained him, thus far, through a long and what, to one of his active habits, restless energies, and grasping ambition, must be a very serious strain. With it will be no indomitable, and his resources of thought and intellect, he can stand infinitely more."

Three remarkable widows are living in New York. The first is Mrs. John J. Crittenden, tall, handsome, and stately, in splendid health, and always magnificently dressed. The second is Mrs. Daniel Webster, not so well preserved, nor so young, but still a noticeable lady. The last is Mrs. Major-General Philip Kearney, a magnificent woman in respect to appearance, with much natural beauty and a good deal more that is artificial. General Kearney, it will be remembered, left two widows—each of whom was designated in his will as his wife. This was his second wife, formerly a Miss Maxwell, daughter of Hon. Hugh Maxwell, a former collector of New York, and a distinguished merchant. The first Mrs. Kearney was Miss Diana Culbertson Ballitt, of Louisville, Kentucky, sister of the present Collector of the port of New Orleans, and an estimable lady. While she was still living, Kearney saw and admired Miss Maxwell, and she admired him. The two went to Europe together, and, after being gone about a year, during which a suit of divorce from the first Mrs. Kearney was prosecuted and obtained by consent, Kearney and she were married. When Kearney was killed, his estate was left to his second wife, with a provision of \$50,000 to Mrs. Kearney, nee Ballitt, and the same sum to each of her children. Mrs. Kearney, nee Maxwell, is living there in fine style. She is said to be very charitable and takes great interest in the welfare of soldiers and their families. She is a beautiful woman still, and much courted and admired.

Negroes Doing Duty in Macon County. The community here have been permitted to witness the new and novel proceedings of a justice under the present Republican dispensation. The fact that negroes are permitted to set on juries is no longer to be disputed. A case of assault and battery was tried before Judge Hayslinger, of this place, to-day, in which the combatants were colored citizens. A jury was summoned, composed entirely of colored men, who, after hearing the evidence and the charge of the "Honorable court," assessed the fine of \$21 each to be paid or levied, and the case now stands recorded on the docket of the justice. Who ever heard of such a color line given to the judiciary of our country?—Callao (Ma) Cor. St. Louis Republican.

Babies resemble wheat in many respects.—Firstly, neither a fit nor a harvest. It arrives at maturity; secondly, both are "bred" in the house, and are also the "flower" of the family; thirdly, they both have to be cradled; and fourthly, both are generally well "thrashed" before they are done

KENTUCKY LEGISLATURE.

IN SENATE.

FRANKFORT, Dec. 18, 1865.

The Senate was called to order at 10 o'clock, and opened with the usual prayer, and then the reading of the journal of Saturday was dispensed with.

REPORTS OF COMMITTEES.

Mr. HARRISON—Judiciary—A House bill to incorporate the Otter Creek Oil and Mining Company. Passed.

Mr. COCHRAN—Same—A bill to amend the laws of this Commonwealth. That without other cause, any juror who has served one week in the year, may be challenged and excluded. Orders of the day.

Mr. CHILES—Propositions and Grievances—A bill to amend the charter of the town of New Haven, in Nelson county. Passed.

Mr. CHILES—Propositions and Grievances—A bill to amend the charter of the town of New Haven, in Nelson county. Passed.

Mr. BRUNER—Revised Statutes—A House bill to amend chapter 25, section 27, of the Revised Statutes. Rejected.

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in which Messrs. Stout and Ballou advocated the adoption of the minority report, and Messrs. Webb, Wolford, and Bell opposed its adoption. The question being taken, the minority report was rejected. Yeas 33; nays 54.

The majority report, declaring the seat vacant, was then adopted.

Mr. BUCKNER—Privileges and Elections—Made a majority report in the case of Van A. Morton, contesting the right of Richard Gregory, the member in this House from the counties of Hopkins and Webster.

Mr. STOUT, from the minority of said committee, made a report which, together with the majority report, was to be printed, and made the special order for to-morrow evening at 3 o'clock.

ORDERS OF THE DAY.

The House then took up the resolution offered by Mr. HARLEY on Saturday, stating that it is due to Kentucky that the bill of *Adversus corpus* be restored in this State, and to restoring the Governor to communicate with the President, and insist upon its prompt restoration.

Mr. STOUT moved to refer the resolution to a select committee.

Mr. CARLISLE moved the previous question. Adopted.

Yeas 33; nays 53.

The resolution was then adopted. Yeas 55; nays 32.

And then the House adjourned.

Call for an Agricultural Convention at Frankfort on the 11th of January, 1866.

At a meeting of the Kentucky State Agricultural Society, in Frankfort, on the 14th of January, 1866, a resolution was adopted authorizing the undersigned as a committee to call a convention to assemble in Frankfort, on the 14th of January, 1866, under the auspices of the State Agricultural Society, for the purpose of considering the subject of labor in Kentucky. The present deranged condition of the labor system of the State renders it vastly important that steps should be immediately taken to supply the lack of labor, and with a view thereto, to encourage the immigration of a desirable class of laborers to Kentucky. The undersigned, therefore, earnestly urge upon the farmers in all portions of the State to send delegates to the convention. Let every county be fully represented. The subjects to be considered embrace the most vital interests of the Commonwealth, and we hope for the future prosperity and wealth of the State, that the convention will be largely attended.

Respectfully,
J. J. BRADFORD,
R. W. SCOTT,
HARRISON TAYLOR,
A. G. HODGES,
Committee.

A Battering (see) is given of the prospects of Florida. A large immigration is setting into the State, and is heartily welcomed by the citizens.—Courier.

The total indebtedness of the State of California is represented as being only \$1,734,139, an exceedingly light burden for so wealthy a commonwealth.

The lumber received at Chicago this season amounts to 557,675,000, 100,000,000 more than last year.

Notice
TO FISHERMEN.

WE PROPOSE TO HOLD A CONVENTION of amateur fishermen in Frankfort on the 22d day of January, 1866, for the purpose of organizing the Legislature to grant such protection and encouragement to the fishing interests of Kentucky as is granted in many of our sister States, and in Europe, believing that judicious laws for its protection, and a proper enterprise will have the effect of restoring our waters, not only with those which are indigenous, but of introducing many valuable species hitherto unknown in this latitude. For this purpose we invite the cooperation of all who feel an interest in our fisheries, and to extend this notice as far as possible. We hope all Newspapers friendly to our purpose will give this notice insertion, and take such further notice of it as will insure its wide dissemination.

Robert B. Taylor, James M. Todd, Thos. Rohman, W. H. Ayell, W. W. Scott, J. S. Rohman, John B. Bibb, T. W. Jones, Meek, S. M. Ham, Frank C. J. No. 2, Withrow, Alfred Hurst, Thos. H. Wallace, M. B. Gratz, Chas. Alexander, B. C. Graves, Woodford Co.

Yoder, Polmann, Spencer Co.
Wm. Berry, Henry Co.
Geo. P. Walker, J. Fry Lawrence, A. M. Holman, Jefferson Co.

W. T. Davall, Scott Co.
Geo. H. Norton, John S. Wilson, W. T. Scott, Lexington.

Richard T. Jeph, R. Mallory, Oldham Co.
J. H. White, P. C. Cochran, Jessamine Co.
Hos. W. C. Marshall, Cal. L. J. Bradford, Bracken Co.

JAMES HARLAN, JR., JOHN M. HARLAN.

HARLAN & HARLAN,
Attorneys at Law,
FRANKFORT, KY.

WILLIAM PLATTING LAW IN THE COURT OF appeals, in the Federal Courts holden in Frankfort, Louisville, and Lexington, and in the Circuit Courts of Frankfort, Woodford, Shelby, Henry, Anderson, Davie, Mercer, and Scott.

Special attention given to the collection of claims. They will in all cases where it is desired, to be sent to the court of law, and be there presented, and to the public printing. Passed.

Joint resolution of same tenor as in regard to keeper of the Penitentiary. Laid over.

Mr. COOK—Resolution—Requesting the Finance Committee open correspondence with various printers to receive sealed proposals in regard to the public printing. Passed.

Joint resolution of same tenor as in regard to keeper of the Penitentiary. Laid over.

GOVERNOR'S MESSAGE.

Appointing persons to the office of Notary Public. Confirmed.

ORDERS OF THE DAY.

A House resolution appointing committees to visit the Western Lunatic Asylum. Laid on the table.

LEAVE OF ABSENCE.

Mr. COCHRAN had leave of absence granted to him.

The Senate then adjourned.

IN HOUSE OF REPRESENTATIVES.

Monday, Dec. 18, 1865.

Prayer by the Rev. S. W. CATCHER, of the Christian church.

The reading of the journal of Saturday was dispensed with.

PETITIONS.

Were presented by Messrs. FARRIS, BALLEW, and J. W. DAVIS, and appropriately referred.

ADDITIONAL MEMBER.

Mr. J. A. ROSSETT, the member elect from the county of Metcalfe, appeared, was qualified, and took his seat.

LEAVE OF ABSENCE.

Was granted Messrs. HARRIS, JOSHUA VEECH, and McDAVID.

REPORTS FROM COMMITTEES.

Mr. THOMAS—Corporations—To incorporate the Otter Creek Oil and Mining Company. Passed.

Mr. HARRIS—Revised Statutes—House bill to amend Section 1, Article 3, Chapter 47, Revised Statutes. Reported a substitute for said bill. [The bill was published in full in Friday's proceedings.]

Mr. J. A. DAVIS offered a substitute for the substitute of committee.

Mr. McHENRY moved the previous question. Adopted.

Mr. DAVIS' amendment was then rejected.

The question was then taken on the adoption of the substitute offered by the committee, and it was decided in the affirmative, and the bill as amended was then passed.

The bill as passed allowed divorce for confinement and incurable insanity of three years standing resulting from intemperance or hereditary taint, or any other cause, upon the permanent verdict of the Chancellor and a jury as to all facts as proven by the testimony of expert physicians and other proof, and defense by a sworn Attorney for the husband.

House bill amended in Senate, to change voting place in a precinct in Lewis county. Amendment concurred in. Yeas 52; nays 36.

CONTESTED ELECTION.

The House took up the report of the majority and minority of Committee on Privileges and Elections, in the case of A. J. Mershon, contesting the right of G. W. Bullock to a seat in this House from the county of Madison.

The majority report contained that, on account of the presence of armed soldiers in the service of the United States, at the voting place in said county, the election was not free and equal, as required by the Constitution of Kentucky, and therefore offered a resolution declaring the seat vacant; the report also says, "that it is due to the sitting member to say that none of the evidence shows that he caused the soldiers to be sent into the county, or that he committed any of the outrages and frauds of which he was guilty."

The minority report contends, that the sitting member received a majority of the legal votes of said county; that Federal soldiers, while they presented some legal voters from casting their votes for the contestant, they also, by their presence, prevented the casting of votes for the sitting member; the report also "deprecate and deplore the presence of military force and interference at this election, on any election."

Louisville and Frankfort and Lexington and Frankfort Railroads.

ON and AFTER MONDAY, OCTOBER 23, 1865, trains will leave as follows:

No. 1—Leaves Louisville daily (except Sunday) at 6:00 A. M., stopping at all stations except Fair Grounds, Race Course, Brownboro, and Bellevue, connecting by stage at Frankfort for Lawrenceburg, Harrodsburg, and Danville; at midway for Versailles; at Lexington for Georgetown, and at Lexington, by rail and stage, for Nicholasville, Danville, Harrodsburg, Lancaster, Stanford, Richmond, Mt. Sterling, and all interior towns. Leaves Lexington at 5:30 P. M., and arrives at Louisville at 7:30 P. M. Connecting by stage at Paine's for Georgetown, at Midway for Versailles, and at Christiansburg for Shelbyville.

No. 2—Leaves Louisville at 2:30 P. M., (Sundays excepted), stopping at all stations except Fair Grounds, Race Course, Brownboro, and Bellevue, connecting at Christiansburg by stage for Shelbyville. Leaves Lexington at 6:15 A. M., and arrives at Louisville at 11:15 A. M.

No. 3—Accumulation—Leaves Lawrenceburg daily (Sundays excepted) at 7:30 A. M., and arrives at Louisville at 11:15 A. M. Leaves Lexington at 4:30 P. M., and arrives at Louisville at 7:30 P. M.

Light Trains leave Louisville and Lexington daily, Sundays excepted.

SAM'L GILL, Supt.

J. M. GRAY,
Dental Surgeon,
OFFICE AND RESIDENCE ON MAIN STREET
deci 11

PAT. JOYCE,
DEALER IN
GROCERIES, LIQUORS, &c.,
Market St., Frankfort, Ky.

PAT. ANNOUNCES THAT HE YET KEEPS A full supply of

FAMILY GROCERIES, LIQUORS, &c.

He desires particularly to call attention to his stock, at which you can get the best of whiskey in the country. He desires to have the public take his word for it, but to the liquor. deci 11

Powell's Restaurant,
OPPOSITE THE CAPITAL HOTEL,
Frankfort, Ky.

THE SUBSCRIBER WILL keep an Eating-House and Restaurant this winter at his stand opposite the Capital Hotel, where he will serve up Oysters, Fish, Game, and all the other delicacies of the season.

He will furnish Whisky, Wine, and Ale by the bottle, and keep the best cigars and tobacco.

In connection with his Eating-House, he keeps A RIFLE SHOOTING GALLERY.

Where amateurs can amuse themselves at any time. He solicits a share of the public patronage, and refers for the character of his house to the friends and patrons of Powell's Old Restaurant.

deci 11

A. CONERY,
SIGN OF THE EAGLE,
(Successor to W. P. Louis.)

HAS JUST RECEIVED A NEW ASSORTMENT of

Watches, Clocks,
AND
JEWELRY.

Call and see them, and you will find Price to suit our pocket.

deci 11

CITY ELECTION.
OFFICE CITY COMMISSIONER,
FRANKFORT, Dec. 5, 1865.

Ordered That an election for City Attorney and City Clerk for the city of Frankfort, to serve the ensuing year, be held at the Court House in said city, on the 1st Saturday in January next, and that L. B. Crutcher and John Ballzell be judges to superintend and declare the result.

By order of the Board.

J. R. GRAHAM, C. B. C. C. G. W. GWIN, Mayor.

deci 11

Great Western
BLANK BOOK MANUFACTORY,
AND
PRINTING ESTABLISHMENT.

MOORE, WILSTACH, & BALDWIN,
25 West 4th street, Cincinnati.

Wholesale Booksellers and Stationers,
Offer to the

Western and Southern Trade

A COMPLETE ASSORTMENT OF ALL GOODS in their line. They are also prepared to make to order all varieties of

Blank Books

For COUNTY OFFICERS, BANKS, RAILROADS, INSURANCE COMPANIES, and other Corporations.

PRINTING AND BINDING

Of every description executed in the best manner, and at low prices.

deci 11

Orders Solicited.

N. HEFFNER.

MERCHANT TAILOR,
Main st., opposite the Farmers' Bank,

FRANKFORT, KY.

HAS JUST OPENED A HANDSOME stock of Cloths, Cassimeres, and Vestings, of choice as is to be found in the New York market, which he will make up in the most approved style. He also has a large stock of ready-made clothing, and he guarantees that his prices will satisfy those who give him a call. Don't forget the place.

deci 11

Family Groceries,
H. J. & B. F.

